S.B. CIVIL WRIT PETITION NO. 3994/2006.
(EXECUTIVE OFFICER VS. LABOUR COURT & ANR.)

DATE OF ORDER : 19.09.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Ummaid Singh for Mr.Yashwant Mehta for the petitioner/s.

By this petition for writ, a challenge is given to the award dated 04.04.2003 passed by the learned Labour Court, Jodhpur in Labour Case No. 92/2001. The labour court by the award impugned, while answering the reference made to it by the appropriate government under the notification dated 28.11.2000, held that termination of the respondent workmen from service amounts to retrenchment and that was effected without adhering the mandatory condition precedent to do so. Accordingly, while declaring the retrenchment illegal, the labour court ordered for reinstatement of the workmen with 30% back wages from the date of reference.

While giving challenge to the award impugned, the only contention of counsel for the petitioner is that the Municipal Board, Sadri dis-continued the workmen from service under the instructions of the Director, Local Self Government, Government of Rajasthan, Jaipur, as such there was no need to adhere to provisions of Section 25-F of the Industrial Disputes Act, 1947.

I do not find any merit in the contention so made as the respondents No. 2 to 10 were in employment of the Municipal Board, Sadri and it was statutory obligation upon the employer to adhere the provisions of Section 25-F of the Act of 1947 while effecting retrenchment of its workmen. It is position admitted that before effecting retrenchment of the respondents No. 2 to 10, mandatory condition precedent for valid retrenchment as prescribed under Section 25 was not followed. The labour court after considering the entire material available on record, rightly reached at the conclusion that the workmen were retrenched from services illegally.

I do not find any error in the impugned award that may warrant interference of this Court, as such, the petition for writ is dismissed.

(GOVIND MATHUR)J.

Anil/